

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

FRANZ HITT,

Plaintiff,

VS.

THE BANK OF NEW YORK MELON, *et al*,

Defendants.

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CIVIL ACTION NO. C-10-203

ORDER

On July 28, 2010, this Court held an initial pretrial conference (“IPTC”) in the above-styled action. For the reasons set forth below, this Court hereby DISMISSES this action for failure to prosecute, pursuant to Fed. R. Civ. P. 41(b).


Plaintiff filed his complaint with the Court on June 17, 2010. (D.E. 1) The Court scheduled an initial pretrial conference (“IPTC”) for July 28, 2010. (D.E. 2.) However, counsel for Plaintiff failed to appear at the July 28, 2010 IPTC, in violation of this Court’s Order for Initial Pretrial and Scheduling Conference and Order to Disclose Interested Persons (“Order for Conference”). (D.E. 2.) Also in violation of this Court’s Order for Conference, Plaintiff failed to file a certificate of interested parties and failed to file a Federal Rule of Civil Procedure 26(f) report. (*Id.*) In fact, there is no indication in the docket sheet that Plaintiff even served any of the Defendants, as required by this Court’s Order for Conference (*Id.*)

“A district court *sua sponte* may dismiss an action for failure to prosecute or to comply with any court order.” *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir. 1998); *see also Anthony v. Marion County Gen. Hosp.*, 617 F.2d 1164, 1167 (5th Cir. 1980) (“Rule 41(b) provides that a case may be dismissed for failure to prosecute ... [a district court may] *sua sponte* dismiss an action whenever necessary to achieve the orderly and expeditious disposition of cases.”) (internal

citations omitted); see also Fed. R. Civ. P. 41(b) (“For failure of the plaintiff to prosecute or to comply with these rules or any order of the court, a defendant may move for dismissal of an action or of any claim against the defendant.”).

For the reasons set forth above, the Court hereby DISMISSES Plaintiff’s complaint in its entirety, for failure to prosecute.

SIGNED and ORDERED this 28th day of July, 2010.


Janis Graham Jack
United States District Judge